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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - - X
CONGREGATION RABBINICAL COLLEGE OF
TARTIKOV, INC., RABBI MORDECHAI
BABAD, RABBI WOLF BRIEF, RABBI
HERMEN KAHANA, RABBI MEIR MARGULIS,
RABBI GERGELY NEUMAN, RABBI MEILECH
MENCZER, RABBI JACOB HERSHKOWITZ,
RABBI CHAIM ROSENBERG, RABBI DAVID A.
MENCZER, and RABBI ARYEH ROYDE,
Plaintiffs,
-against- 07-CV8304
(KMK)

VILLAGE OF POMONA, NY; BOARD OF
TRUSTEES OF THE VILLAGE OF POMONA,
NY; NICHOLAS SANDERSON AS MAYOR;
IAN BANKS as Trustee and in his
official capacity, ALMA SANDERS
ROMAN as Trustee and in her official
capacity, RITA LOUIE as Trustee and
in her official capacity, and BRETT
YAGEL, as Trustee and in his official
capacity,
Defendants.

- - - - - X

May 15, 2014
10:03 a.m.

EXAMINATION BEFORE TRIAL of
the Defendant, IAN BANKS, taken pursuant to
Notice, held at the offices of Savad
Churgin, 55 Old Turnpike Road, Nanuet, New
York, before a Notary Public within and for
the State of New York.

* * *

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IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the
respective parties hereto that filing and
sealing are hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the
form of the question, shall be reserved
to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within examination may be signed
and sworn to before any Notary Public
with the same force and effect as though
signed and sworn to before this Court.

1 - Ian Banks -

2 I A N B A N K S, a Defendant herein, having
3 been first duly sworn by Gale Salit, a
4 Notary Public of the State of New York, was
5 examined and testified as follows:

6 THE REPORTER: May I have your full
7 name, please?

8 THE WITNESS: Ian Buell Banks.

9 THE REPORTER: May I have your
10 address?

11 THE WITNESS: 12 Ladentown Road,
12 Pomona, New York 10970.

13 EXAMINATION BY

14 MR. STEPANOVICH:

15 Q Good morning, Mr. Banks. My name is
16 John Stepanovich and this is Donna Sobel.

17 A Right.

18 Q We are two of the lawyers for the
19 Congregation Rabbinical College of Tartikov and
20 the other plaintiffs.

21 Have you ever given a deposition
22 before?

23 A Yes.

24 Q So we'll just go over a few of the
25 ground rules to refresh your recollection. If at

1 - Ian Banks -

2 any time you don't hear or understand a question
3 of mine, please let me know and I'll try to make
4 it so you can hear or understand it. Okay?

5 A Okay.

6 Q Your answers have to be audible so
7 that the court reporter can take the answers
8 down. So a shaking or a nodding of the head is
9 not an audible answer.

10 A Okay.

11 Q I'd appreciate if you let me finish my
12 question and I'll do my very best to let you
13 finish your answer before I go forward, so that
14 the court reporter knows who's speaking when
15 we're asking questions and answering. Okay?

16 A That's fine.

17 Q And finally, if you need to take a
18 break at any time, let me know and we'll
19 accommodate you.

20 A Okay.

21 MR. STEPANOVICH: (Handing document to
22 be marked.)

23 (Whereupon, Notice of Deposition was
24 marked Plaintiff's Exhibit 211 for
25 identification.)

1 - Ian Banks -

2 Q I'm handing you, Mr. Banks, what's
3 been marked as Plaintiff's Exhibit 211, and ask
4 if you've seen that before?

5 A (Perusing document.) I don't
6 specifically recall.

7 Q What did you do to prepare for today's
8 deposition? And again, I don't -- I'm not asking
9 for any communications you had with your attorney
10 or what you told them or what they told you. I'm
11 just generally asking you what you did to prepare
12 for today's deposition.

13 A I responded to the interrogatories as
14 requested some time ago. I provided whatever
15 information my attorneys requested. That's all.

16 Q Did you meet with your attorneys to
17 prepare for this deposition?

18 A Yes.

19 Q When was that?

20 A This morning.

21 Q Was that the only time you met with
22 them to prepare for this deposition?

23 A Yes.

24 MR. STEPANOVICH: (Handing document to
25 be marked.)

1 - Ian Banks -

2 (Whereupon, Defendant Banks'

3 Supplemental Responses To Plaintiffs' Second

4 Set of Interrogatories was marked

5 Plaintiff's Exhibit 212 for identification.)

6 Q I'm handing you now, Mr. Banks, what's
7 been marked as Plaintiff's Exhibit 212, and if
8 you could take a look at that, please?

9 A (Complying.)

10 Q Have you seen Exhibit 212 before?

11 A I received a copy of this is my
12 recollection.

13 Q Did you participate in drafting the
14 responses in Exhibit 212?

15 A I participated in responses to the
16 interrogatories.

17 Q You currently sit on the Pomona
18 Village Board of Trustees?

19 A Yes.

20 Q How long have you been on the board of
21 trustees?

22 A Approximately sixteen years. I'm not
23 completely sure but I believe the first year was
24 1996, but it could be '97, '98. I'm not sure.
25 It's about -- I'm not sure of my first year to

1 - Ian Banks -

2 tell you the truth.

3 Q Once you got on the board, whatever
4 year that was, have you served continuously since
5 then?

6 A Yes.

7 Q Prior to being elected to the board of
8 trustees did you serve the village in any other
9 capacity?

10 A No.

11 Q Are you currently employed?

12 A Yes.

13 Q Where are you employed?

14 A I own a construction corporation,
15 which I am the president. And I am an employee
16 of my own corporation.

17 Q What's the name of that corporation?

18 A Ian Banks Incorporated, General
19 Contractor.

20 Q It's a New York corporation?

21 A Yes.

22 Q Its principal office is located where?

23 A Principal office is at my property at
24 12 Ladentown Road, Pomona, New York 10970.

25 Q Are you a general contractor?

1 - Ian Banks -

2 A Yes.

3 Q What kind of contracting work do you
4 do?

5 A The company performs residential
6 remodeling work in Manhattan, New York City.

7 Q Is it remodeling as opposed to initial
8 construction building of homes?

9 A Correct. They're existing buildings
10 where the occupants are changing things and
11 putting in new bathrooms, kitchens, woodwork.

12 Q Seeking renovations of existing homes?

13 A Normally entire apartments.

14 Q Is your business primarily focused in
15 Manhattan then?

16 A It's only focused in Manhattan. We
17 only work in Manhattan.

18 Q How long have you been doing that?

19 A The corporation began in 1996.

20 Q Are you personally a licensed
21 contractor in the State of New York?

22 A Yes.

23 Q Do you hold a particular class
24 license?

25 A I have a general contractor's license.

1 - Ian Banks -

2 I'm licensed in New York City.

3 Q Have you ever served the Village of
4 Pomona as deputy mayor?

5 A Yes.

6 Q When was that?

7 A I can't remember the exact years. But
8 under Mayor Nick Sanderson I was the deputy mayor
9 and last year I was the deputy mayor.

10 Q What's the process in Pomona in
11 selecting the deputy mayor, how does that happen?

12 A It's my understanding that the deputy
13 mayor is appointed by the mayor.

14 Q Does that require a vote of the board
15 to accept that recommendation?

16 A It's my understanding that it does
17 not.

18 Q Can you generally describe the meeting
19 structure of the village board of trustees?
20 Start with the types of meetings that the board
21 has on a regular basis.

22 A Regularly there are typically two
23 meetings per month, a workshop meeting on the
24 second Monday of the month and a public -- I
25 don't know if that's -- they are both public

1 - Ian Banks -

2 meetings. I should say what they call a regular
3 meeting on the fourth Monday of the month.

4 Q Does the board meet twelve months a
5 year?

6 A Yes.

7 Q The workshop meeting comes before the
8 regular board meeting?

9 A Yes, from a monthly standpoint, yes.

10 Q Generally, what is the purpose of the
11 workshop meeting?

12 A The purpose of the workshop is to give
13 the trustees a chance to discuss issues, things
14 that we're working on, projects that are coming
15 up. To have a more of a discussion meeting. And
16 the regular meeting is more to take action on the
17 decisions that we've made. Generally that's the
18 idea.

19 Q Is the workshop meeting sort of a,
20 this is probably not the right term, but a
21 preparation for the regular meeting?

22 A Not necessarily.

23 Q Is there normally an agenda for the
24 workshop meeting?

25 A Yes.

1 - Ian Banks -

2 Q Are there minutes for workshop
3 meetings?

4 A I haven't received any recently.

5 Q Are you familiar with executive
6 sessions meetings, executive sessions at board of
7 trustees meetings?

8 A Yes.

9 Q In your experience in sixteen years
10 has the board ever gone into executive session
11 during a workshop meeting?

12 A I don't recall that ever happening.

13 Q But the board does from time to time
14 go into executive session during the regular
15 board meetings?

16 A Yes.

17 Q What is your understanding of the
18 reasons why the board goes into executive
19 session?

20 A My understanding is that the executive
21 sessions are to discuss items in litigation and
22 items regarding personnel.

23 Q Are minutes taken during executive
24 session meetings?

25 A No, no.

1 - Ian Banks -

2 Q When the board reconvenes in open
3 session is there any record made at all in any
4 way of the executive session deliberations? I
5 don't know if that was a clear question. What
6 I'm trying to --

7 A Yes, you have to explain that a little
8 bit more.

9 Q Yes, I apologize for that.

10 When you come out of executive session
11 is there any record made, for instance, of the
12 purpose of the executive session that was entered
13 into or is there anything described in official
14 records why you went into executive session?

15 A Well, as I said, recently I have not
16 received meeting minutes. So there are none that
17 I'm aware of.

18 Q How recent has it been that you have
19 not received meeting minutes?

20 A I don't remember exactly.

21 Q Is there a reason for that, why you
22 haven't been receiving the minutes?

23 A I don't know.

24 Q Can you generally describe the process
25 of how the meeting minutes get created?

1 - Ian Banks -

2 A We employ a person to take notes
3 during the meeting and subsequently these are
4 produced into meeting minutes and distributed to
5 the board.

6 Q The person who takes notes, is that a
7 court reporter who takes down every word of the
8 meeting?

9 A No, it's an employee of the village.

10 Q I see.

11 A Who takes notes.

12 Q This employee, is this -- who is this
13 employee let's just say right now?

14 A Malverne Toll I believe it is.

15 Q So the person who takes down these
16 minutes, is the person's only job to transcribe
17 minutes?

18 A I don't know if she has other
19 responsibilities at the village. I'm not in
20 charge of her.

21 Q So if you can explain for me then, do
22 the meeting minutes get circulated before they
23 are approved?

24 A Can you rephrase that question?

25 Q Sure. Again, I'm not trying to put

1 - Ian Banks -

2 words in your mouth. I'm trying to understand.

3 Sounds like there's a person who takes
4 minutes?

5 A Uh-huh.

6 Q Those minutes are then put on paper;
7 is that right?

8 A I don't know.

9 Q Well, let me see if I can ask it in a
10 better way.

11 Do you ever receive drafts of minutes
12 of your meetings?

13 A No.

14 Q When is the first time you see minutes
15 of let's say the prior monthly meeting?

16 A If meeting minutes are prepared and
17 ready to go, they are presented at a board
18 meeting. That's the first time I see them.

19 Q Has the process that you just
20 described been like that for your entire time on
21 the village board?

22 A It's been like that for my entire
23 time.

24 Q Have you ever had the opportunity to
25 correct meeting minutes?

1 - Ian Banks -

2 A No.

3 Q Has the board ever had the opportunity
4 to correct meeting minutes?

5 A I can't speak for the other members of
6 the board.

7 Q Do you recall any opportunities at the
8 monthly board meetings to correct the meeting
9 minutes?

10 A I do not recall any chances of that or
11 any opportunities, none.

12 Q Then do you know, and I think you've
13 answered this and I apologize. Do you know who
14 gets the meeting minutes from the person taking
15 the minutes?

16 A I do not know.

17 Q In your sixteen years on the board the
18 process that you just described has been the
19 process that occurs regarding the minutes?

20 A Exactly.

21 Q You do not know who prepares the final
22 minutes before they are presented to the board?

23 A I do not know the process and I'm not
24 involved in it.

25 Q Okay, that's fine. I appreciate it.

1 - Ian Banks -

2 Have you ever served the village in
3 any other capacity besides being on the board of
4 trustees?

5 A Other than normal assignments that we
6 get from the mayor, such as being in charge of
7 projects in the village, I don't have any other
8 responsibilities.

9 Q Can you give me an idea of the
10 assignments that you have received, let's just
11 say within the last four years if you could
12 remember that?

13 A Generally I've been in charge of
14 capital projects, repairs, additions, buildings,
15 parks, maintenance and expansions or
16 improvements, things like that that involve labor
17 and materials and work. Since I have experience
18 in that end of things, I do a lot of those kinds
19 of things for the village.

20 Q You've never sat on the Village
21 Planning Board; is that right?

22 A That's correct.

23 Q Did you review any documents in
24 preparing for today's deposition?

25 A I did not.

1 - Ian Banks -

2 MR. STEPANOVICH: (Handing document to
3 be marked.)

4 (Whereupon, Document entitled,
5 "Document Hold And Preservation Notice -
6 Privileged And Confidential," Bates No.
7 POM33617, was marked Plaintiff's Exhibit 213
8 for identification.)

9 Q I'm handing you now, Mr. Banks, what's
10 been marked Plaintiff's Exhibit 213. If you can
11 take a look at that, please? And my question
12 is: Have you ever seen it before?

13 A (Perusing document.) I don't recall
14 seeing this.

15 Q Have you ever received any
16 correspondence from the village regarding
17 preservation of documents regarding the
18 Congregation Rabbinical College of Tartikov?

19 A Can you repeat that question one more
20 time?

21 Q I'll have her repeat it if you don't
22 mind.

23 (The question was repeated.)

24 A Yes, I have received correspondence
25 regarding that.

1 - Ian Banks -

2 Q Do you recall when that was?

3 A No.

4 Q How did you receive it, how did you
5 receive the correspondence?

6 A I don't remember specifically.

7 Q Was it in a letter form?

8 A I don't remember specifically.

9 Q What did you do in response to
10 receiving that letter?

11 A Well, in response to the request for
12 documents I provided all of the documents in my
13 possession for a certain time period that I had
14 in storage, and I delivered them to the village
15 hall. And where they went from there, I don't
16 know. I assume that -- I don't know. I provided
17 everything, all the documents I've ever received
18 that I have. So for that time period I took all
19 of them to --

20 Q Village hall.

21 A -- village hall for the attorneys to
22 look at presumably.

23 Q I may not be clear in the question.
24 Sounds to me as what you just described is your
25 efforts to produce documents to your attorneys

1 - Ian Banks -

2 regarding this case?

3 A Correct.

4 Q What I'm asking, prior to that, prior
5 to being asked to produce documents to your
6 attorneys did you ever receive a letter from the
7 Village of Pomona advising you to preserve and
8 hold onto documents regarding the Rabbinical
9 College of Tartikov?

10 A I don't remember that.

11 Q You indicated that you provided
12 documents for a certain time period. Do you
13 recall what that time period was?

14 A I don't recall what the time period
15 was.

16 Q Did you have documents in your
17 possession that you turned over to your
18 attorneys?

19 A I did.

20 Q Do you have a personal email address?

21 A Yes.

22 Q What is that?

23 A I have one ianbanks99@aol.com and I
24 have ianbbanks@gmail.com.

25 Q How long have you had those emails?

1 - Ian Banks -

2 A Ianbanks99, I don't recall the
3 starting date to tell you the truth. It's older
4 than the Gmail account. The Gmail account is
5 more recent. Exactly how -- the dates, I don't
6 know.

7 Q Are those the only two personal emails
8 accounts you have?

9 A Those are the only two.

10 Q Do you have any business email
11 account?

12 A Yes.

13 Q What is that?

14 A Ianbanksinc@aol.com.

15 Q Besides those three email addresses
16 that you have just given us, have you had any
17 other email address in the last ten years?

18 A No.

19 Q Are all three of those email addresses
20 still active?

21 A Yes.

22 Q Do you have an email address that's
23 affiliated or associated with the Village of
24 Pomona?

25 A Yes.

1 - Ian Banks -

2 Q What is that?

3 A Ianbanksinc@aol.com.

4 Q So the ianbanksinc.@aol.com, is that
5 the email you use for Village of Pomona business?

6 A Yes.

7 Q Do you have an email something like
8 ianbanks@pomona.com or something like that?

9 A I have a village email address that's
10 part of the village system and that's -- I
11 believe it's ian.banks - I don't know if there's
12 a dot there - @pomonavillage.com. All of that
13 email automatically is forwarded to
14 ianbanksinc@aol.com.

15 Q So when you respond to email that came
16 through the village system you respond from
17 ianbanksinc?

18 A Correct.

19 Q Have you ever used your email to
20 communicate with other board members?

21 MR. PELOSO: Are you talking a
22 specific email address?

23 Q I want to be clear. It sounds to me
24 then, again I'm not trying to put words in your
25 mouth. It sounds to me that all of the

1 - Ian Banks -

2 communications that you do by email regarding
3 Pomona comes from the ianbanksinc.@aol.com; is
4 that what you testified to?

5 A That's correct.

6 Q Have you used that email to
7 communicate with other board members?

8 A Yes.

9 Q Is that the email that you use to
10 communicate with other --

11 A Yes.

12 Q Would that be the email that you used
13 to communicate with other board members for the
14 last ten years?

15 A I'm not sure if it's been ten years.
16 I don't know the starting date of that email
17 address. May not -- ten years is 2004. The
18 email address existed in 2004, so yes. I can say
19 yes, for ten years I've used that email address.

20 Q Do you know what Preserve Ramapo is?

21 A Yes.

22 Q What is it?

23 A It's an organization in the Town of
24 Ramapo.

25 Q Are you a member of Preserve Ramapo?

1 - Ian Banks -

2 A No.

3 Q Have you ever communicated by email
4 with Preserve Ramapo?

5 A No.

6 Q Have you ever received any documents
7 from Preserve Ramapo?

8 A Not that I can recall.

9 Q Do you know if Preserve Ramapo has a
10 website?

11 A I know that they have a website.

12 Q Have you ever visited that website?

13 A No.

14 Q Do you know as we sit here today who's
15 in charge of Preserve Ramapo?

16 A I do not know.

17 Q Obviously over the sixteen years in
18 the Village of Pomona you have voted on passing
19 certain laws, correct?

20 A Yes, I agree.

21 Q Just generally if you could describe
22 not on any particular law, I'm not talking about
23 any particular law, but if you could just
24 generally describe what forms your basis for
25 voting on a law?

1 - Ian Banks -

2 MR. PELOSO: His individual or --

3 MR. STEPANOVICH: His individual.

4 A Say that again.

5 Q Let's have her read it. I'll clarify
6 it, I think it needs it. But let's hear it
7 first.

8 (The question was repeated.)

9 Q What do you take into consideration
10 when you vote on a law? Maybe that's a better
11 question.

12 A I think the question is confusing.

13 Q Okay.

14 A I vote on a law because I'm in a
15 meeting and I'm asked to vote on a law, so I need
16 to vote on it. I think to clarify the question
17 if you have another question.

18 Q Sure, okay.

19 Do you consider the opinions of your
20 constituents when you vote on a law?

21 A Absolutely, yes.

22 Q Where do you get those opinions?

23 A In speaking to the constituents.

24 Q Do you read the Rockland County
25 Journal News?

1 - Ian Banks -

2 A Yes.

3 Q Do you read it on a regular basis?

4 A Yes, I see it regularly. I don't
5 always read every article in it, but I'm a
6 subscriber so it comes to my house.

7 Q Have you ever gone on the, I think
8 it's called lohud.com?

9 A Yes.

10 Q Do you read articles and comments on
11 lohud.com that deal with issues in the Village of
12 Pomona?

13 A Occasionally.

14 Q How long have you lived in Rockland
15 County?

16 A 29 years.

17 Q How long have you lived in the Village
18 of Pomona?

19 A 28 years.

20 Q So you moved to Pomona, the Village of
21 Pomona from where?

22 A Nyack.

23 Q Are you a, sounds like a song, but are
24 you a native New Yorker?

25 A No.

1 - Ian Banks -

2 Q Where are you from originally?

3 A I'm born on the island of Hawaii.

4 Q How long have you lived in the State
5 of New York?

6 A 29 years.

7 Q Did you come to New York from Hawaii?

8 A No.

9 Q Where did you come to New York from?

10 A California.

11 Q Where did you live in California?

12 A I lived in California in Palo Alto and
13 subsequently in San Francisco.

14 Q Were you in business when you lived in
15 California?

16 A Yes.

17 Q The contracting business?

18 A Yes.

19 Q Same kind of business you're in now?

20 A Exactly.

21 Q Has Rockland County changed since you
22 got here about 29 years ago?

23 MR. PELOSO: Object to the form as
24 vague. You can answer.

25 A Yes.

1 - Ian Banks -

2 Q Could you describe how it's changed
3 since you moved here?

4 A Well, there's been more development,
5 it's a little bit more traffic. We see shopping
6 centers and things that we didn't have before, a
7 certain amount of residential development.
8 That's all.

9 Q Are you familiar with the East Ramapo
10 School District?

11 A Yes.

12 Q Did you have any children that
13 attended the East Ramapo School District?

14 A Yes.

15 Q You still have children in the East
16 Ramapo School District?

17 A No.

18 Q When was it that your last child left
19 the East Ramapo School District?

20 A Roughly five years ago.

21 Q Have you seen a change in the East
22 Ramapo School District since the time you moved
23 into the county?

24 A Yes.

25 Q Can you describe that, please?

1 - Ian Banks -

2 A I have seen over the period when my
3 children were in East Ramapo a general lowering
4 of quality of the education that they got from
5 the time my older daughter attended to the time
6 that my younger daughter attended. And
7 subsequent to my younger daughter's graduation
8 from East Ramapo I just have heard that they have
9 fewer and fewer programs. The band, for example,
10 has been eliminated. The advanced placement
11 courses are far fewer now than there used to be
12 when my first daughter went there. And I just
13 see a lowering in the quality of education that
14 goes on there now. For the last five years I've
15 not been that involved since I don't have
16 children there at the moment.

17 Q Do you have any opinion on the, I
18 don't know if I accurately restate your words.
19 But do you have any idea on why there's been a
20 lowering of the standards at the school?

21 A I do not know why.

22 MR. STEPANOVICH: (Handing document to
23 be marked.)

24 (Whereupon, Board of Trustees

25 Corrected Meeting Minutes, 4/28/97, Bates

1 - Ian Banks -

2 Nos. POM0003064-75, was marked Plaintiff's
3 Exhibit 214 for identification.)

4 Q I'm handing you now, Mr. Banks, what's
5 been marked as Plaintiff's Exhibit 214, and ask
6 you to look at it. I'm going to turn your
7 attention ultimately to Page POM3072. And those
8 are at the bottom.

9 MR. PELOSO: Bates numbers right here
10 (indicating).

11 A Okay.

12 Q Item No. 17. If you could look at
13 that, I just have a question or two about that.

14 A (Complying.) Okay.

15 Q This appears -- I want to make sure I
16 get the record straight. This appears to be
17 corrected minutes of an April 28th, 1997 Village
18 Board of Trustees meeting. Do you agree with
19 that?

20 A I would agree that that's what it
21 says.

22 Q Then turning to Item 17. I want to
23 ask you just a couple of questions.

24 Do you have any recollection back, now
25 I understand it's 1997, discussing the village

1 - Ian Banks -

2 taxes as it relates to the Orthodox community?

3 A No, I have no recollection of that.

4 Q The last sentence in Item 17 says --

5 well, it looks like, let me read it for

6 completeness. "Deputy Mayor, Herbert Marshall,

7 Trustees, Ian Banks and Buff Blass felt the need

8 to move quickly; they suggested the meeting be

9 held early in June."

10 Does that refresh your recollection at

11 all about the Orthodox community and the issue of

12 taxes in the Village of Pomona?

13 A Well, it doesn't say anything about

14 the meeting having to do with taxes. The meeting

15 is about schools. And my recollection is we had

16 members of the public asking -- coming to us,

17 asking us to help with issues in the schools.

18 And the meeting was to discuss -- I believe this

19 meeting was to discuss with the residents what

20 the village could do or could not do as the

21 Village of Pomona is not directly in charge of

22 the schools. I do not remember the issue of

23 taxes as being the purpose of the meeting.

24 Q Well, what do you remember the purpose

25 of the meeting being then?

1 - Ian Banks -

2 A The purpose of the meeting would be to
3 find out from the residents what they wanted the
4 village to do so that we could try to do whatever
5 was within our power to do with the schools.

6 Q I'm trying to find out what the issue
7 was that the citizens approached the board on.
8 The topic says East Ramapo School District. I'm
9 just trying to focus in on what it was exactly
10 that was the issue before the board.

11 A Well, I don't recall specifically what
12 the issue was in this case. However, over the
13 years we have had many members of the public
14 coming to the board meetings, asking us to do
15 something about the deteriorating nature of the
16 East Ramapo schools. So I believe they were
17 asking us -- I don't recall, for example, taxes
18 as being one of the issues but it could have
19 been. But I don't recall that.

20 Q Could you explain what you meant by
21 deteriorating nature I thought you said of the
22 East Ramapo public schools?

23 A It was the deteriorating nature of the
24 programs that I talked about before. The AP
25 programs, the sports programs, the music

1 - Ian Banks -

2 programs. East Ramapo was one of the best
3 schools in the United States 30 years ago and it
4 had all of these great programs for students.
5 And they were constantly being eliminated and
6 residents couldn't understand why it was going
7 downhill so much. And so they would come to us
8 and ask us to try to support some of these
9 programs in the schools that used to be so great
10 and kept falling apart.

11 And to the best of my knowledge, they
12 are still going downhill. And there's an effort
13 that I'm not involved in to try to swing things
14 around and improve the schools.

15 Q Do you have any idea of the cause of
16 that deteriorating nature of the school district?

17 MR. PELOSO: Asked and answered. You
18 can answer.

19 A I do not know what the cause is
20 specifically.

21 Q Would it have anything to do with the
22 Orthodox, Hasidic population using the schools?

23 A I would not know. Don't know.

24 Q Has there been an increase in the
25 Orthodox, Hasidic populations' enrollment in the

1 - Ian Banks -

2 East Ramapo School District?

3 A I don't know the facts.

4 Q I apologize if you've answered this.

5 But can you just give me a time frame when the
6 concerns of your constituents began regarding the
7 nature of the school district?

8 A According to this, they began in 1997
9 very soon after I took office.

10 Q Do you know what a voting bloc is, Mr.
11 Banks?

12 A No.

13 Q You've never heard that term before?

14 A I've heard the term.

15 Q How have you heard the term?

16 A It's used in the newspapers.

17 Q What is your understanding of the term
18 voting bloc?

19 MR. PELOSO: Well, he said he doesn't
20 know what it means.

21 Q Well, do you have an understanding
22 what the term voting bloc is?

23 A I don't have a definition for it.

24 Q I'm not asking you to define it
25 properly. I'm asking if you have any

1 - Ian Banks -

2 understanding of what it means?

3 A Well, it means a group of votes.

4 Q Have you heard of that term "voting
5 bloc" in elections in Rockland County?

6 A I read about it in the Journal News.
7 That term is used in the Journal News.

8 Q As that term is used in the Journal
9 News who does it relate to?

10 A I don't know.

11 Q Does it relate to the Orthodox,
12 Hasidic community?

13 MR. PELOSO: Object to the form.

14 A It could relate to any voting bloc.
15 I'm not sure how they use it. I've seen the
16 term.

17 Q Voting bloc?

18 A Voting bloc.

19 Q Have you ever lost an election for the
20 village board?

21 A Yes.

22 Q You have? When was that?

23 A Before my election in 1996 I ran
24 previously in a write-in campaign. The first
25 time I tried to become a trustee I lost. So I

1 - Ian Banks -

2 tried it again.

3 Q The first time you were not on the
4 ballot; is that accurate as a --

5 A That's correct.

6 Q Do you have any idea how many tax
7 exempt properties exist in the Village of Pomona?

8 A No.

9 Q What do you know about Hasidic and
10 Orthodox Jews and their customs and cultures?

11 A Could you rephrase that a little bit?
12 I don't understand the question.

13 Q Has the population of Orthodox and
14 Hasidic Jews increased in Rockland County since
15 you moved here?

16 A It appears yes. I do not have any
17 specific information.

18 Q Do you have any knowledge of the
19 customs of the Orthodox, Hasidic Jews?

20 A No.

21 Q Can you generally, can you generally
22 identify an Orthodox or Hasidic Jew by just their
23 dress?

24 A Not with a hundred percent accuracy.

25 Q In other words, you wouldn't be able

1 - Ian Banks -

2 to identify if they are from one particular sect
3 or another, right?

4 A No, right.

5 Q From their dress could you identify
6 that they are an Orthodox or a Hasidic Jew?

7 MR. PELOSO: I think you just asked
8 that.

9 MR. STEPANOVICH: I think I have,
10 but...

11 A I don't understand the question
12 exactly. Are you talking, are you talking about
13 how people are dressed? I don't understand this
14 exactly.

15 Q That's what I was talking about. For
16 instance, when you see a man in a long black coat
17 and a black hat, long beard, do you know if that
18 man is an Orthodox or Hasidic Jew?

19 MR. PELOSO: Object to the form.

20 A You don't really know. Could be a
21 fake. But, you know, I don't know. I wouldn't
22 know.

23 Q Do you know anything at all about the
24 religious customs of Orthodox and Hasidic Jews?

25 A No.

1 - Ian Banks -

2 Q Has the population of Orthodox and
3 Hasidic Jews increased in the Village of Pomona
4 since you arrived?

5 A I don't know.

6 Q Have you ever spoken to the media
7 about land use issues in the Village of Pomona?

8 A Yes.

9 Q What particular land use issues have
10 you spoken to the media about?

11 A Next to the property where I live
12 there is a Hindu temple. And at one point early
13 in the life of the temple after it was opened I
14 was interviewed by the New York Times as a
15 neighbor. And there's a small article, I spoke
16 to the reporter from the New York Times.

17 It's possible I also spoke to the
18 Journal News about this, but I don't specifically
19 recall that conversation. But I do recall
20 speaking to the New York Times.

21 Q Have you ever spoken to the media on
22 any other issue besides the Hindu temple?

23 A Yes. When I am running for election I
24 occasionally get a call from a reporter at the
25 Journal News and I've spoken to them. I don't

1 - Ian Banks -

2 recall exactly what I've spoken to them about.

3 It's been some time. I was not interviewed the
4 last -- at the last election, which was about two
5 years ago. But previously I have spoken to the
6 press.

7 Q Have you ever run on a slate of
8 candidates for the board of trustees?

9 A I have a -- how do we say this,
10 established an independent party early in my
11 involvement in politics in the Village of Pomona
12 and we have our own independent party. And I
13 have participated in that independent party with
14 a number of different people. Presently
15 participate with Alma Roman, who is on the board.

16 Q Have you ever run for election for the
17 board of trustees as a member of the Independent
18 Party?

19 A I am a member of the Independent
20 Party.

21 Q Do you use that affiliation in your
22 campaign?

23 A Yes.

24 Q When you have run -- what I'm trying
25 to find out is have you ever run alongside

1 - Ian Banks -

2 another candidate, for instance, vote for row A
3 or row B?

4 A I don't understand alongside.

5 Q That's a bad question.

6 When you have run for election have
7 you ever campaigned to be elected with another
8 individual?

9 A Yes.

10 Q When have you done that?

11 A Well, there have been several people
12 who I campaigned with. I campaigned with Buff
13 Blass, I campaigned with Arthur Bedrosian, I
14 campaigned with Bill Baker, I campaigned with
15 Alma Roman. Those are the only ones that come to
16 mind at the moment.

17 Q I think I've asked this, but I'm not
18 sure. Have you ever posted on any Internet forum
19 or blog any comments that you have to any stories
20 on the newspaper?

21 A No.

22 Q Are you aware of the lead plaintiff in
23 this case which is the Congregation Rabbinical
24 College of Tartikov, Inc.?

25 A I'm aware of them.

1 - Ian Banks -

2 Q When did you become aware of them?

3 A I don't recall.

4 Q Are you aware that they own property
5 at the intersections of Routes 202 and 306 in
6 Pomona?

7 A Yes.

8 Q From time to time today I'll use the
9 term property and I just want to make sure that
10 you understand what I'm referring to. And when I
11 use that term I'm referring to that property
12 owned by the Congregation Rabbinical College of
13 Tartikov at 202 and 306. Okay?

14 A It's okay.

15 Q When did you first become aware that
16 the Congregation Rabbinical College of Tartikov
17 owned the property?

18 A I don't recall the exact date.

19 Q What about the approximate date?

20 A I wouldn't even speculate because it's
21 been some time. I don't really remember.

22 Q Do you remember how you became aware
23 that the Congregation owned the property?

24 A No, I don't remember that either.

25 Q Do you personally know Michael Tauber?

1 - Ian Banks -

2 A No.

3 Q Are you familiar with the Patrick Farm
4 development?

5 A Yes.

6 Q Do you support or oppose that
7 development?

8 A Oppose.

9 Q Why?

10 A Because of the density change that
11 they made changing the zoning from two acre
12 zoning into multiple housing units. I'm not sure
13 how dense it is now, but it's certainly way
14 denser than the original zoning. When I moved to
15 the Village of Pomona the original zoning in that
16 area was rural residential two acre zoning, the
17 same as across the street from me. So that's the
18 reason.

19 Q Do you know who owns the Patrick Farm
20 property?

21 A I do not know who the present owner is
22 exactly.

23 Q Have you heard of the name Mr.
24 Lebovits in relationship to the Patrick Farm
25 property?

1 - Ian Banks -

2 A Not specifically. I don't tie that
3 name into that property myself.

4 Q Do you know if that development,
5 Patrick Farms, was intended for any specific
6 group of people to reside there?

7 A I do not know.

8 Q Are you familiar with the term "adult
9 student housing"?

10 A I've heard it used.

11 Q What do you understand that term to
12 mean?

13 A Well, I understand it to mean what it
14 says, it's housing for adult students.

15 Q Do you know if that was a piece of
16 legislation passed in any local municipality,
17 adult student housing ordinance?

18 A Can you repeat that question?

19 Q Strike that. I'm trying to ask you
20 good questions and I'm failing, a couple of
21 times.

22 Is adult student housing a piece of
23 legislation passed in the Town of Ramapo?

24 A I do not know specifically.

25 Q Tell me what you know about adult

1 - Ian Banks -

2 student housing?

3 A Very little. I know that there's a
4 desire for it. I don't know how much of it
5 exists. I'm really not an expert in this field
6 and I don't have statistics. I know that people
7 want it. And I believe -- I don't know really
8 much about it, other than there's a desire for it
9 in the Town of Ramapo.

10 Q You said you know that people want it.
11 Do you know what type of people want it?

12 A No, other than members of the public.
13 What I mean by that is members of the public want
14 it.

15 Q Do you know if Orthodox, Hasidic Jews
16 are a group who wants adult student housing?

17 A I don't know.

18 Q Do you know of any locations other
19 than the Town of Ramapo that has legislation for
20 adult student housing?

21 A I'm not aware of any.

22 Q What you just described regarding
23 adult student housing, is that the extent of your
24 knowledge of the adult student housing in Ramapo?

25 A Well, adult student housing exists all

1 - Ian Banks -

2 over the United States. They have adult student
3 housing where I went to school in California. So
4 I'm not an expert in following this issue, where
5 it may or may not exist. It's an issue in the
6 Town of Ramapo I would agree, but it may be an
7 issue all over.

8 Q Where did you go to school in
9 California?

10 A I went to Stanford. It's in Palo
11 Alto.

12 Q What type of adult student housing did
13 you have there in Stanford?

14 A Stanford has all kinds of dormitories
15 with different kinds of uses, which changed from
16 time to time. But there were certain apartment
17 buildings which are for adult student housing.
18 To the best of my recollection it was for
19 graduate students and not for undergraduate
20 students. And I'm speaking of the time I was a
21 student there. I graduated in 1970. But adult
22 student housing did exist.

23 Q So that I'm making sure I'm
24 understanding. Would that adult student housing
25 be for families, students and their families?

1 - Ian Banks -

2 MR. PELOSO: Object to the form. You
3 mean was it for?

4 Q Was it for, yes.

5 A To the best of my knowledge, yes.

6 Q To the best of your knowledge, did
7 that housing contain cooking facilities?

8 A That I don't know.

9 Q I think I'm understanding. So the
10 adult student housing would be a housing
11 component that would house a student and his or
12 her family?

13 MR. PELOSO: Object to the form.

14 Q As opposed to let's say a single
15 dormitory room.

16 MR. PELOSO: Are you talking at
17 Stanford?

18 Q At Stanford.

19 MR. PELOSO: At the time?

20 Q At the time.

21 A At the time there were apartments for
22 married people. I'm not sure for a fact that
23 they could have kids but we assume yes, probably
24 they could. Whether they had cooking facilities,
25 I'm not sure. But they were for adult students

1 - Ian Banks -

2 who were married and possibly had families. I
3 don't know if they could have families, but
4 probably yes. Speculation.

5 Q Besides Stanford, are you familiar
6 with any other locations that have adult student
7 housing?

8 A Not personally, not with direct
9 experience like that there.

10 Q I think a few minutes ago you
11 responded by saying that, and again I'm not
12 trying to mischaracterize your testimony. I want
13 to just go back to it. That the adult student
14 housing was an issue in Ramapo. I thought those
15 were your words. If it is, I wanted to ask you
16 some questions about that. Was that what you
17 said?

18 A I may have used the word issue.
19 There's a desire for it.

20 Q Is that what you mean by issue?

21 A Yes.

22 Q In the Town of Ramapo?

23 A And in possible other towns.

24 Q In Rockland County?

25 A Yes.

1 - Ian Banks -

2 Q Do you know what the Power of Ten is?

3 A No.

4 Q Are you familiar with the former owner
5 of the property of Camp Dora Golding?

6 MR. PELOSO: Do you mean does he know
7 who the former owner is?

8 Q Have you ever heard of the term "Camp
9 Dora Golding"?

10 A Yes.

11 Q Were they a prior owner of the
12 property?

13 A To the best of my knowledge, yes.

14 Q What do you know about Camp Dora
15 Golding when they owned the property?

16 MR. PELOSO: Object as vague. You can
17 answer.

18 A It was used as a summer day camp to
19 the best of my knowledge. Other than that,
20 specifically very little.

21 Q Was it used as a summer day camp for a
22 Jewish organization?

23 A That I wouldn't know. I don't know
24 which people went there. I know it was a summer
25 day camp.

1 - Ian Banks -

2 Q Are you familiar with Yeshiva Spring
3 Valley?

4 A I know the name.

5 Q Do you know if Yeshiva Spring Valley
6 bought the property from the prior owner, Camp
7 Dora Golding?

8 A I believe they did.

9 Q Do you know when that purchase
10 occurred?

11 A I do not remember.

12 Q Do you remember how you personally
13 found out about the sale from Camp Dora Golding
14 to Yeshiva Spring Valley?

15 A I do not remember.

16 Q Do you know who Rabbi Fromowitz is?

17 A No.

18 Q Have you ever heard that name before?

19 A It doesn't sound familiar to me.

20 MR. STEPANOVICH: (Handing document to
21 be marked.)

22 (Whereupon, Transmittal dated
23 2/4/2000, Re Proposed Primary School and
24 Pre-School and Village's Zoning Regulations
25 Regarding Schools, Bates Nos. POM0014737-40,

1 - Ian Banks -

2 was marked Plaintiff's Exhibit 215 for
3 identification.)

4 Q I'm handing you now, Mr. Banks, what's
5 been marked as Plaintiff's Exhibit 215, and ask
6 if you can take a look at it?

7 A (Complying.) Okay.

8 Q Do you know what Exhibit 215 is?

9 A Yes.

10 Q What is it?

11 A It's a memorandum from our planning
12 consultant, Frederick P. Clark, addressed to the
13 mayor, Mayor Herb Marshall, and the members of
14 the board of trustees with recommendations on
15 planning issues.

16 Q Do you remember seeing this memo back
17 in January of 2000?

18 A I don't specifically remember, but I'm
19 sure I received it.

20 Q Do you have any recollection at all
21 about how this memorandum got generated?

22 A No, I have no recollection on the
23 generation of this memo.

24 Q Reading this memo now, Exhibit 215,
25 does that refresh your recollection at all

1 - Ian Banks -

2 regarding Yeshiva Spring Valley?

3 MR. PELOSO: Object to the form,
4 vague.

5 A I don't see anything in this memo
6 about the Yeshiva Spring Valley.

7 Q If you look at the subject line it
8 reads, "Proposed Primary School and Pre-School
9 (YSV-Pomona) and the Village's Zoning Regulations
10 Regarding Schools."

11 Do you see that, first page? First
12 page of the memo.

13 MS. SOBEL: It's the second page of
14 your document.

15 A Yes, YSV.

16 MR. PELOSO: Are you talking about the
17 cover page?

18 MR. STEPANOVICH: It's on both pages.

19 MR. PELOSO: It's on both pages. He's
20 talking about that and he's talking about
21 that (indicating).

22 Q I'm asking you now, does that refresh
23 your recollection regarding Yeshiva Spring
24 Valley?

25 A I'm not sure what you're asking me

1 - Ian Banks -

2 here.

3 Q Do you -- I'm sorry, do you want to
4 finish?

5 A Well, I said that I remembered the
6 Yeshiva of Spring Valley purchasing the property.
7 That's what I said.

8 Q Do you recall the intended use for the
9 property by Yeshiva Spring Valley?

10 A No, I don't recall being informed or
11 how I was informed, other than this memo, of the
12 use of the property. This memo presupposes, says
13 here, "The board has been approached regarding a
14 proposed school," blah blah blah. I wasn't
15 approached, though, other than via the memo.

16 Q Do you recall at the time whether or
17 not schools were a permitted use in the Village
18 of Pomona, back in January of 2000?

19 A I don't recall.

20 Q Did you ever walk the property, go out
21 to the site and walk it, been on it?

22 A Yes, I did.

23 Q Can you tell me about that, please?

24 A I recall walking the property at one
25 point many years ago. I cannot recall

1 - Ian Banks -

2 specifically what the purpose of that walk was.

3 But I did participate in a walk of the property.

4 Q Was that with other members of the
5 board or the planning board, do you recall?

6 A I believe it was with other members of
7 the planning board just to familiarize ourselves
8 with what the property was like. The exact
9 purpose of the walk I don't remember.

10 Q And you don't remember the date?

11 A I do not remember when it was.

12 Q Do you have any recollection, Mr.
13 Banks, of the village's zoning laws regarding
14 schools back in January of 2000?

15 MR. PELOSO: Object to the form.

16 Q If you understand it, you can answer.

17 A Yeah, but I don't know exactly what
18 the law says. I'm aware that we have a law that
19 relates to schools. Exactly what it says I don't
20 remember off the top of my head. I would have to
21 look it up.

22 Q Did you ever participate in any
23 meeting with Frederick P. Clark regarding this
24 memo, January 24th, 2000?

25 A No.

1 - Ian Banks -

2 Q The memo appears to make certain
3 suggestions as to the construction of schools;
4 for instance, a. Lot Area, b. Development
5 Intensity.

6 Based on what you said earlier, your
7 professional expertise being a contractor, did
8 you have any input at all regarding these
9 recommendations to Frederick P. Clark?

10 A No, because these issues are all
11 planning issues. I'm not involved with the
12 planning board or any of this kind of stuff
13 really. I may have been aware of what was going
14 on, but I'm not involved in executing plans or
15 discussions with -- was not involved with the
16 planner other than to receive this. I was not
17 involved in working with them directly on
18 something like this.

19 Q It is the village board's
20 responsibility to pass the laws in Pomona; is
21 that right?

22 A That's correct.

23 Q What recollection do you have of any
24 law passed regarding schools in the Village of
25 Pomona?

1 - Ian Banks -

2 MR. PELOSO: Object to the form as
3 vague.

4 Q Do you understand the question?

5 A I don't think the question is specific
6 enough for me to answer.

7 Q Okay. All right.

8 Do you recall passing a local law that
9 changed the definition of schools in Pomona?

10 A I don't remember doing that.

11 (Off-the-record discussion.)

12 (At this time a luncheon recess was
13 held, after which the deposition resumed.)

14 CONTINUED EXAMINATION

15 BY MR. STEPANOVICH:

16 Q Mr. Banks, you talked about I think it
17 was the independent party that you -- was it
18 independent party or independent platform that
19 you --

20 A They're called independent parties.
21 The format in the Village of Pomona for elected
22 officials, although they could run on a
23 Democratic or Republic ticket, came to be on
24 what's called independent parties, the way it's
25 organized by the State of New York. And

1 - Ian Banks -

2 typically different groups of people form their
3 Independent Party and you can have as many people
4 in your party as you want to. And you run on an
5 Independent Party ticket and you file your
6 nomination for election using that format.

7 Q So you file as an Independent as
8 opposed to filing under a Democrat or Republican
9 affiliation?

10 A That's correct.

11 Q How long did you run under that
12 format?

13 A Since the beginning. Since the first
14 time I ran for election I've always ran under the
15 same Independent Party that I helped organize
16 whenever it was, roughly 18 years ago.

17 Q So that party I guess -- can I refer
18 to it as a party, is that a fair representation,
19 the Independent Party?

20 A Yes.

21 Q Is it still in existence today?

22 A Yes.

23 Q Does it have meetings?

24 A The party itself does not have
25 meetings.

1 - Ian Banks -

2 Q But do the individuals attached to the
3 party have meetings?

4 A Well, there are meetings at election
5 time.

6 Let me correct that. At election time
7 there are meetings. There are people listed on
8 the paperwork that are officers for the party.
9 We have an address. So to be exact or more
10 correct, there are meetings preceding the
11 elections to organize whatever we were doing for
12 the election.

13 Q Are you currently an officer of the
14 Independent Party?

15 A To tell you the truth, I don't know
16 without looking at the paperwork.

17 Q Would you know who the current
18 officers are?

19 A I do not off the top of my head.

20 Q We talked earlier, Mr. Banks. Does
21 the Independent Party have a platform?

22 A It's called, the name of the party is
23 called the Preservation Party. We do not have a
24 written platform. We are interested in improving
25 and maintaining the quality of life in the

1 - Ian Banks -

2 Village of Pomona. There's no written platform.

3 Q Is there any written mission statement
4 of the party?

5 A There is a newsletter sent out in
6 advance of an election stating our goals for the
7 coming time and the achievements that we have
8 done previously informing people of where we
9 stand.

10 Q Did you produce any of those
11 newsletters in response to the production request
12 that was asked of you?

13 A I don't recall.

14 Q So are the newsletters just produced
15 during the election campaign period?

16 A Correct.

17 Q Generally the election campaign period
18 is when? What months of the year I guess is a
19 better...

20 A The elections in the village are in
21 mid March and currently the terms are for four
22 years, so we meet before each election. It's
23 possible that we could run candidates every two
24 years. There's elections in the village every
25 two years. So the party is active before the

1 - Ian Banks -

2 elections if we have candidates who are running
3 for office.

4 Q Besides you, is there any current
5 member of the board of trustees that is a member
6 of the Independent Party?

7 A Yes.

8 Q Who is that?

9 A Alma Roman.

10 Q Is she the only member of the board of
11 trustees who's currently sitting and is an
12 Independent Party member?

13 A She's the only member involved in my
14 party.

15 Q What about just recently. If we go
16 back four years, were there any members of the --
17 strike that. I'm sorry.

18 When you say my party, you are talking
19 about the Independent Party?

20 A The Independent Party, right, that I'm
21 associated with.

22 Q Within the last, let's start with four
23 years. If we go back four years, any other
24 members of the Independent Party that were
25 elected to the board of trustees?

1 - Ian Banks -

2 A Four years ago Alma Roman ran with me
3 and was also elected, the same.

4 Q How about the prior election?

5 A That I can't remember. I can't
6 remember who was on it then.

7 Q Mr. Banks, we talked at the beginning
8 about documents. And you indicated that you had
9 produced documents that you had. Did those
10 documents include emails that you turned over to
11 your lawyers?

12 A Yes.

13 Q How did you produce those, how did
14 those documents get produced on paper?

15 A I did not produce the documents on
16 paper. My attorney was given access to my
17 accounts so that they could be reviewed.

18 Q So the documents that were responsive
19 then to this litigation, who determined that, you
20 or your attorney?

21 MR. PELOSO: Obviously any
22 conversations with counsel are privileged.
23 So I'm going to object to the form to that
24 extent.

25 A Well, I was asked to produce anything

1 - Ian Banks -

2 that was relevant to the case and I believe I
3 produced that. My attorney was given an open
4 book to look at the emails.

5 Q So it wasn't you then that would
6 determine if a particular email was responsive to
7 the litigation?

8 MR. PELOSO: Object to the form.

9 Q Right? Did you understand that
10 question?

11 A No, I don't really understand what you
12 are saying. Would you rephrase that a little
13 bit?

14 Q I will gladly.

15 The person who determined whether or
16 not your emails were responsive to this
17 litigation demand, was that you or your
18 attorneys?

19 MR. PELOSO: Object to the form.

20 A I would say both. I was asked to
21 provide whatever it was I thought was responsive,
22 you know, was relevant to this case. And it was
23 reviewed by my attorneys. So we both had a look
24 at it.

25 Q Have all of your emails been saved?

1 - Ian Banks -

2 MR. PELOSO: Are you talking about
3 presently?

4 Q The ones that were --

5 A You need to give a date.

6 Q The ones that were -- you were asked
7 to produce documents, correct? And in meeting
8 that request you reviewed your email accounts,
9 correct?

10 A Correct.

11 Q And certain emails were produced to
12 your attorneys; is that fair?

13 A All the emails were.

14 Q And so all of those emails that were
15 produced, are the original emails still saved
16 somewhere?

17 A Yes, up to a certain point the
18 original emails are saved on AOL.

19 Q When you say a certain point, what is
20 that point?

21 A I'm not sure of the exact date. Being
22 a contracting company we're not that high tech.
23 We always used AOL. We always had the same
24 address, everything came into that. But in the
25 original AOL, AOL did not save everything. After

1 - Ian Banks -

2 30 days it dumped it. So the saving everything
3 only goes back so far and after that we have no
4 record and we have no backup and it doesn't exist
5 anymore and there's no way we can get it.

6 I mean I'm not sure of the exact date
7 that AOL changed their program and saves all the
8 email. Like now they save all the email, but I'm
9 not sure when that started. It wasn't ten years
10 ago. Ten years ago it wasn't like this.

11 Q Did you delete any emails --

12 A No.

13 Q -- that would be responsive to this
14 litigation?

15 A No.

16 Q I asked you earlier, Mr. Banks, if you
17 knew when the Congregation Rabbinical College of
18 Tartikov purchased the property. And I want to
19 hand you a document now and see if this helps you
20 remember.

21 (Whereupon, Board of Trustees Meeting
22 and Grievance Day Minutes, 2/15/05, Bates
23 Nos. POM0011723-27, was marked Plaintiff's
24 Exhibit 216 for identification.)

25 Q I'm handing you now, Mr. Banks, what's

1 - Ian Banks -

2 been marked as Plaintiff's Exhibit 216.

3 A (Perusing document.) Okay.

4 Q Can you identify that document,
5 please?

6 A It's a copy of the adopted Village of
7 Pomona meeting minutes, adopted on March 28th,
8 2005.

9 Q The first page, four paragraphs down.
10 If you could read that.

11 I'll read it. "Deputy Mayor Sanderson
12 moved to grant the tax exemption request of
13 Congregation Rabbinical College of Tartikov,
14 Inc., Tax Lot No. 32.1-8-53 (sic) at 65-67 Routes
15 306 202. Seconded by Trustee Lamer. Motion
16 carried 4-0."

17 Is that what it says, is that
18 accurate?

19 A Yes.

20 Q Does that refresh your recollection
21 now about when you became aware that the
22 Congregation Rabbinical College of Tartikov owned
23 the property?

24 MR. PELOSO: When they purchased or
25 when they owned?

1 - Ian Banks -

2 Q Just approximately when they owned the
3 property.

4 A Well, it's clear that I knew that they
5 owned it on March 28th, 2005.

6 Q These are minutes, though, of a
7 meeting that occurred February 15th, 2005; is
8 that right?

9 A Correct.

10 Q And you were present at this meeting;
11 is that right?

12 A Yes.

13 MR. STEPANOVICH: (Handing document to
14 be marked.)

15 (Whereupon, Email dated 1/9/07, with
16 attachments, Bates Nos. POM0013255-59, was
17 marked Plaintiff's Exhibit 217 for
18 identification.)

19 Q I'm handing you now, Mr. Banks, what's
20 been marked as Plaintiff's Exhibit 217, and ask
21 if you could take a look at that, please?

22 A (Complying.) Okay.

23 Q Have you ever seen this Exhibit No.
24 217 before?

25 A I can't recall.

1 - Ian Banks -

2 Q If you turn to the last two pages,
3 13258, 13259. You recall seeing those two pages?

4 MR. PELOSO: Before today obviously?

5 Q Before today, yes.

6 A This page?

7 MR. PELOSO: I think he's talking
8 about this one.

9 Q Yes.

10 A Starting there?

11 Q Yes.

12 A I don't recall seeing this plan.

13 Q You don't recall seeing --

14 A I don't recall seeing it. It's
15 possible that I saw it, but I don't recall seeing
16 it.

17 Q So is it possible that you before
18 today saw Exhibit 217?

19 A It's possible.

20 Q Have you ever seen any proposal or any
21 plan by the Rabbinical College of Tartikov for
22 the use of the property?

23 A No.

24 Q Do you recall any discussions that you
25 had with anyone regarding Exhibit 217?

1 - Ian Banks -

2 MR. PELOSO: Well, this is a couple of
3 different documents. I'm going to object.

4 I don't know which one you're referring to.

5 Q We are giving it to you the way it was
6 produced to us.

7 A There's been speculation --

8 MR. PELOSO: Do you remember the
9 question?

10 THE WITNESS: Yeah.

11 Q Go ahead, Mr. Banks.

12 A There was speculation about what was
13 going on there, but nothing formal that I've
14 heard say in hearsay or had heard over a period
15 of time from neighbors, friends, people who live
16 in the area. Speculation.

17 Q What was that speculation that you
18 heard?

19 A Speculation that it was a project with
20 a lot of buildings, but nothing specific.

21 Q Did you read the Complaint in this
22 lawsuit?

23 A I don't remember exactly. I don't
24 know if I've read the entire Complaint.

25 Q Did you read the Complaint in

1 - Ian Banks -

2 preparing for today's deposition?

3 A No.

4 Q What you testified to a question
5 before about the -- I asked you what you heard
6 about the, quote, speculation. Is that the
7 extent of what you heard about the proposed use
8 of the property?

9 A That's the extent.

10 Q Did you ever hear that it was going to
11 be used as a rabbinical college?

12 A Not specifically.

13 Q What did you hear generally regarding
14 that?

15 A I can't remember the conversations
16 exactly. I can remember speaking with neighbors
17 in the area who told me that a big project was
18 being proposed for there, but without specifics,
19 without sizes, without numbers. Where they got
20 the information, I don't know. It's speculation.

21 Q When did you first become aware, Mr.
22 Banks, that the property was going to be proposed
23 to be used as a rabbinical college?

24 MR. PELOSO: Object to the form. I
25 don't think he testified as to that.

1 - Ian Banks -

2 Q Prior to today what was the first time
3 you understood that the property was going to be
4 used as a rabbinical college?

5 MR. PELOSO: Object to the form.

6 A Well, I think I replied to this
7 question before in saying that I can't remember
8 exactly when. Obviously at some point I
9 understood that there was being proposed a
10 rabbinical college, but I don't remember when
11 that was. I just don't know.

12 Q Okay. Did you know -- and if I asked
13 you this, I apologize. As you sit here today do
14 you know what a rabbinical college is?

15 A Not really.

16 Q What do you know what a rabbinical
17 college is?

18 A I know very little, because I've never
19 seen any formal plan and I do not know much,
20 anything to tell you the truth about rabbinical
21 colleges. I've never seen one or been on a
22 campus of one and have very little information
23 about them.

24 Q That's all I have on that.

25 One or two more questions. Did you

1 - Ian Banks -

2 ever have any discussions with any village
3 officials about this exhibit, 217?

4 A Not that I can recall.

5 Q That Exhibit 217, you said you don't
6 recall -- was your testimony you don't recall
7 seeing it?

8 A I don't recall seeing it.

9 Q Do you recall talking to any Pomona
10 residents regarding the information contained in
11 217?

12 A Could you be a little more specific?
13 There's a lot of information there.

14 Q I was trying to start out very
15 general, but I'll be more specific.

16 Did you ever talk with any resident in
17 the Village of Pomona about the plan for a
18 rabbinical college in Pomona?

19 MR. PELOSO: At any time?

20 Q At any time.

21 A Yes.

22 Q Who was that?

23 A Anyone who would ask me. People want
24 to know what's going on. They hear about there's
25 a lawsuit, they hear, you know, what's going on.

1 - Ian Banks -

2 There's, you know, articles in the Journal News.
3 They have questions. And if I run into a
4 resident, a friend, maybe some of them aren't
5 even neighbors. They're not necessarily
6 residents of the Village of Pomona. They're
7 neighbors who live across the street or in
8 unincorporated Ramapo. They could ask, well,
9 you're a village official. What's going on up
10 there? I tell them we don't really know.

11 Q You never personally had any
12 discussions with any representatives of
13 Congregation Rabbinical College of Tartikov,
14 right; is that right?

15 A No, I never did.

16 Q Okay, I'm done with that now, Mr.
17 Banks.

18 MR. STEPANOVICH: (Handing document to
19 be marked.)

20 (Whereupon, Letter dated 1/12/95,
21 Bates Nos. POM0009863-64, was marked
22 Plaintiff's Exhibit 218 for identification.)

23 Q I'm handing you now, Mr. Banks, what's
24 been marked as Plaintiff's Exhibit No. 218, and
25 ask if you can review that, please?

1 - Ian Banks -

2	A	(Complying.)
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3 Q The letter references a Bais Yaakov
4 Chofetz Chaim of Pomona. And my question is: Do
5 you recall the village taking any position on the
6 Bais Yaakov Chofetz Chaim of Pomona project at
7 all?

8 MR. PELOSO: Object as vague.

9 Q I think he's objecting that I may have
10 asked you this question and if I did, I
11 apologize.

12 MR. PELOSO: No, I said it's vague. I
13 don't know what position regarding.

14	Q	Well, any position.
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15	A	Restate the question one more time.
----	---	-------------------------------------

16	Q	I'll ask a better question.
----	---	-----------------------------

17 Do you know what Bais Yaakov Chofetz
18 Chaim of Pomona is?

19 A Well, correct me if I am wrong, but
20 my --

21 MR. PELOSO: Are you answering the
22 question?

23 THE WITNESS: I'm answering the
24 question.

25 MR. PELOSO: I don't want you to ask a

1 - Ian Banks -

2 question. You can answer the question.

3 A Let's do it this way then. Could you
4 give me an address for Bais Yaakov, where are
5 they located?

6 Q No. I wish I could. I can't right
7 now.

8 A Okay. Then I'm not sure.

9 Q As long as you've been on the board of
10 trustees do you recall the board taking a
11 position regarding -- at all, any position
12 whatsoever, regarding developments within 500
13 feet or construction within 500 feet of village
14 boundaries?

15 A We have taken positions on things that
16 are near the village boundaries.

17 Q When you say we have taken positions,
18 you mean it's the board of trustees?

19 A The board of trustees has taken a
20 position, correct.

21 Q Then that position, is that normally
22 -- how is that formalized; would that be in a
23 resolution or something?

24 A Not sure if there's always the same
25 format. I'm not sure about the format.

1 - Ian Banks -

2 MR. STEPANOVICH: (Handing document to
3 be marked.)

4 (Whereupon, Email dated 7/11/07, Bates
5 No. POM16958, was marked Plaintiff's Exhibit
6 219 for identification.)

7 Q I'm handing you now, Mr. Banks, what's
8 been marked as Plaintiff's Exhibit 219. If you
9 could take a look at that, please?

10 A (Complying.) Okay.

11 Q First of all, do you know who Bob Prol
12 is?

13 A I believe he's a member of our
14 planning board.

15 Q Do you know him personally?

16 A No.

17 Q Do you recall receiving this? This is
18 apparently an email from Bob Prol. Do you recall
19 receiving this email?

20 A I don't recall receiving it.

21 Q The email makes a reference, third
22 line. "Please do not allow the Babad family to
23 intimidate you or force you to compromise in this
24 battle."

25 Do you have any idea who he means by

1 - Ian Banks -

2 the Babad family?

3 A None.

4 Q That is your email there,
5 ian.banks@pomonavillage.com, correct?

6 A Correct.

7 Q That would have been the email address
8 that was forwarded to your account that you use;
9 is that right?

10 A Correct, assuming everything is
11 working properly, yes.

12 Q Have you had any issues with your home
13 email or your business email?

14 A I never have any issues with the
15 business email normally. I think on rare
16 occasions there have been issues where I didn't
17 receive something from the village, but it would
18 be very rare. There occasionally are server
19 problems, blah blah blah, that come up from time
20 to time. So with absolute certainty, you know,
21 it's hard to say. I mean I probably got this,
22 but I couldn't say with absolute certainty.

23 Q Do you recall hearing any similar
24 sentiment in this email from anybody else?

25 MR. PELOSO: Object to the form.

1 - Ian Banks -

2 Q If you understand the question, you
3 can answer it. If not, I'll rephrase it.

4 A No, I don't -- I don't recall getting
5 anything from residents or anyone else saying
6 that we are being intimidated.

7 Q You recall getting any comment from
8 any residents telling you to stand up and support
9 your long-standing zoning laws?

10 A I don't recall hearing that from --
11 no, I don't recall hearing that from residents.

12 Q You testified earlier that you did
13 hear from residents and nonresidents regarding
14 the Exhibit 217 regarding the sketch of the use
15 of the property.

16 When you heard those residents on that
17 issue did any of them express the sentiment to
18 stand up and support your long-standing zoning
19 laws?

20 MR. PELOSO: Object to the form. You
21 can answer.

22 A I can answer the question?

23 Q Yes.

24 A Well, most residents don't really know
25 what the zoning laws say. They know what the

1 - Ian Banks -

2 nature and character of the village as it exists
3 is. And what the people are concerned about as
4 residents there are the status quo and having the
5 village carry on more or less the way it exists,
6 you know, with changes that are allowed. But
7 they are talking about maintaining the rural
8 residential quality of the area without specific
9 knowledge of laws and all of that stuff is their
10 main concern. And I do have people who contact
11 me from time to time and express this desire.

12 Q That's all I have on that.

13 I think you previously touched on it
14 earlier, Mr. Banks, I just want to follow up
15 briefly on it.

16 What do you know about the efforts to
17 incorporate a village called Ladentown?

18 A I know that the residents of the Diltz
19 Lane area which is directly across the street
20 from where I live, were involved in trying to
21 incorporate their own village. I know that it
22 was headed by a lady named Amy Heick. I'm also
23 friends with some of the other residents of the
24 Diltz Lane area who were active in that attempt
25 at organizing a village. Other than that, the

1 - Ian Banks -

2 specifics I don't know too much about. But I
3 know it was something they tried to do.

4 Q Can you just describe the extent of
5 your knowledge? I recognize you said you don't
6 know the specifics. But if you could just tell
7 me the extent of what you knew the Village of
8 Ladentown was being formed for?

9 A Well, I don't know if I ever knew the
10 purpose of why they were doing it. But my
11 understanding is they wanted to -- since it was
12 part of unincorporated Ramapo, they wanted to
13 break off and have a little village in the same
14 way that the Village of Pomona or the other
15 villages in the Town of Ramapo have their own --
16 have control over their own little area and just
17 to be a village. Exactly why, I don't know.

18 Q Since you've been on the village board
19 for some time now, do you know anything about the
20 village's attempts to annex the Patrick Farm
21 property?

22 MR. PELOSO: Object to the form.

23 A I don't know about any attempts to
24 annex Patrick Farm.

25 Q Do you know of any efforts by the

1 - Ian Banks -

2 Village of Pomona to support the Ladentown
3 movement?

4 MR. PELOSO: By village you are
5 talking about the officials?

6 Q Yes, the village officials.

7 A Can you just restate the question?

8 (The question was repeated.)

9 A By the Ladentown movement, do you mean
10 the movement to form an independent Village of
11 Ladentown?

12 Q Fair question. And my answer is yes.

13 A Okay. With the question understood, I
14 do not know specifically of actual efforts from
15 the Village of Pomona to support the movement in
16 the Village of Ladentown. I do not know specific
17 actions.

18 MR. STEPANOVICH: (Handing document to
19 be marked.)

20 (Whereupon, Newsletter "The Village
21 Green" July 2004, Bates Nos. POM0013281-84,
22 was marked Plaintiff's Exhibit 220 for
23 identification.)

24 Q Mr. Banks, I'm handing you now what's
25 been marked as Plaintiff's No. 220, and ask you

1 - Ian Banks -

2 to review that specifically on -- I'm going to
3 ask you some questions about the third page.

4 A (Complying.) Okay.

5 Q Mr. Banks, do you have any idea who
6 wrote this portion of the newsletter, this
7 village newsletter there that's contained in the
8 box regarding the Village of Ladentown?

9 MR. PELOSO: On Page 3?

10 Q Yes, it's on Page 3.

11 A On Page 3?

12 Q Yes.

13 A Absolutely no idea.

14 Q Do you recall -- I think I've asked
15 you this, but I just want to maybe make it a
16 little more specific. Do you recall the Village
17 of Pomona taking any official action regarding
18 the formation of the Village of Ladentown?

19 MR. PELOSO: Object to the form.

20 A I can't recall any official action
21 that we took.

22 Q Do you recall there ever being sent a
23 postcard from the Village of Pomona to its
24 residents notifying them about the formation or
25 the movement to form the Village of Ladentown?

1 - Ian Banks -

2 A No, I don't recall something like
3 that -- anything like that.

4 Q In all your years, your eighteen years
5 on the Village Board of Trustees, to your
6 knowledge has the village ever sent a postcard or
7 a notification to its residents regarding
8 anything?

9 A Yes.

10 Q Could you give me some examples?

11 A Well, typically we send announcements
12 for -- we have a cultural center, so any events
13 that happen at the cultural center; openings, art
14 openings, activities that might happen there
15 postcards are sent out. We also have other
16 recreational events. We have a fish-in in June,
17 we have a Halloween party, recreational types of
18 things, a music festival. Typically
19 announcements are sent out for those purposes.
20 Announcements for events in general.

21 Other kinds of announcements I think
22 are rare, but maybe not unheard of. But I can't
23 think of -- such as, you know, other kinds of
24 announcements, I'm not aware of any.

25 Q Mr. Banks, what do you know about the

1 - Ian Banks -

2 Village of Pomona's participation in litigation
3 against the Town of Ramapo and its master plan?

4 A Well, I know what's reported to me in
5 meetings by the village attorney.

6 Q Is that litigation still going on?

7 A I'm not sure.

8 Q Let's go back to this for a second,
9 Mr. Banks. First page is a message from Mayor
10 Marshall. If you can read that.

11 A Okay. (Complying.) Okay.

12 Q In the first paragraph there's a
13 reference to a bloc vote. And I think in order
14 for clarification I think I'll read that. "The
15 town's master plan engineered by Supervisor St.
16 Lawrence and passed by his rubber stamp town
17 board draws a clear line in the sand. It now
18 seems unfortunately clear that they consider
19 their responsibility to the 75 percent of town
20 residents living in its 12 villages and to those
21 of us living in the surrounding community fully
22 subordinate to their pandering to the special
23 interest groups to deliver the critically
24 important bloc vote which has become so essential
25 to those seeking office in Ramapo."

1 - Ian Banks -

2 Did I read that accurately?

3 A Yes.

4 MR. PELOSO: I think able to deliver.

5 You missed the able.

6 Q "Able to deliver the critically
7 important bloc vote which has become so essential
8 to those seeking office in Ramapo."

9 Do you know what the mayor was
10 referring to when he referenced bloc vote?

11 A Not specifically. I think it's a
12 little vague.

13 Q Well, this is a reference to an
14 election in Ramapo; is that a fair statement?

15 A Yes.

16 Q Are you familiar with the bloc vote in
17 the Town of Ramapo?

18 A I'm familiar with the term as I said,
19 but I'm not totally sure what accurately it
20 means. So I just really don't know.

21 Q In the eighteen years that you've
22 served on the board of trustees in Pomona have
23 you ever heard the term bloc vote associated with
24 an election in the Town of Ramapo?

25 A Yes.

1 - Ian Banks -

2 Q And who do you understand that bloc
3 vote to represent?

4 MR. PELOSO: Asked and answered.

5 Objection.

6 A I don't know. I don't associate it
7 necessarily. That's what I'm saying, it's a
8 vague term.

9 Q Have you ever heard the term bloc vote
10 associated with the Orthodox, Hasidic Jewish
11 community in Ramapo?

12 MR. PELOSO: Objection. Asked and
13 answered.

14 A I can't specifically remember when
15 that was said to me or a specific instance of
16 that.

17 Q Well, I'm not asking for a specific
18 instance. I'm just asking if you've ever
19 associated the Orthodox, Hasidic community to a
20 bloc vote in the Town of Ramapo?

21 MR. PELOSO: Object to the form.

22 A I don't necessarily myself make that
23 association.

24 Q You don't?

25 A It could be made, but I don't.

1 - Ian Banks -

2 Q That's all I have on that.

3 What is your understanding, Mr. Banks,
4 of the village's challenge to the Town of
5 Ramapo's master plan as it relates to the
6 litigation?

7 A Well, my understanding in general
8 terms is that we're objecting to the downzoning,
9 as I said earlier, of the changes when they
10 changed the two acre zoning into much smaller
11 zoning allowing much denser housing and allowing
12 an imbalance between the village which is on
13 the -- close to the Patrick Farm area where we
14 have one acre zoning and to have far smaller
15 housing units or multiple housing units. Have a
16 completely different zoning right next door.

17 So I believe our litigation is geared
18 toward having a more similar type of zoning to
19 what we have in the interests of having a more
20 homogeneous community going with what's there
21 now, what we have. We would like their zoning to
22 be closer to our zoning to have a more of a
23 unified zone, the way it is today and the way
24 it's been for many years. I think that's the
25 basis of our litigation.

1 - Ian Banks -

2 Q There's a Hindu temple in Pomona,
3 correct?

4 A Correct.

5 Q Did you say you live next to it?

6 A I own property next to it.

7 Q Were you ever on the board of trustees
8 that had to pass any -- had to vote on any issues
9 dealing with the Hindu temple?

10 A Yes.

11 Q Could you tell me what those were?

12 A In my tenure on the board I believe
13 there were only issues where they added a
14 building at one point, a chariot storage in the
15 back. I was on the board when that came in. I
16 was not on the board when they received a special
17 permit or building permits for the temple.

18 Q Besides the Hindu temple, are you
19 aware of any other religious structure in the
20 Village of Pomona?

21 A My property borders on the other side
22 with the Ladentown church. I have a church on
23 the other side of my property. And I know people
24 there, I occasionally attend church services.
25 And there's also a Zoroastrian center in another

1 - Ian Banks -

2 neighborhood in the village. Those are the three
3 religious organizations I'm aware of. There may
4 be others, but I can't recall any others at the
5 moment.

6 Q Did the Ladentown church that you
7 refer to, was there ever a time that it was
8 experiencing a decline in its membership?

9 A I don't know what their membership is.
10 I could only speculate, so I won't do that.

11 Q Do you recall ever speaking at the
12 board of trustees regarding assisting the
13 Ladentown church in any way?

14 A I can't recall ever doing that, no.

15 Q Were you ever asked by the Ladentown
16 church or any representative of the Ladentown
17 church for assistance at all?

18 A Yes.

19 Q Can you tell me about that?

20 A At one point they had to rebuild part
21 of the church because of the age and dry rot and
22 this, that and the other thing. And I was asked
23 to help them.

24 Q In your capacity as a contractor or
25 as --

1 - Ian Banks -

2 A In my capacity as a neighbor, because
3 I'm directly the neighbor the same way as with
4 the temple.

5 Q Did the request for assistance require
6 any action by the board?

7 A It had nothing to do with the Village
8 of Pomona.

9 Q Are you familiar with a statute called
10 the Religious Land Use and Institutionalized
11 Persons Act?

12 A Is this also referred to as RLUIPA?

13 Q Yes. That was going to be the next
14 question. But yes, sir.

15 A I've heard of this.

16 Q What is your understanding of the
17 statute?

18 MR. PELOSO: You're asking him what he
19 knows of it, what it means?

20 Q What do you understand it to mean?

21 A Well, I understand that it's a Federal
22 statute that has to do with rights. And to tell
23 you the truth, I don't have a good or clear
24 understanding and I'm not an attorney and don't
25 have a really specific or deep understanding of

1 - Ian Banks -

2 how the law works, other than it has to do with
3 people's rights and it's Federally mandated.

4 Q Do you recall any efforts by the
5 Village of Pomona to ask Congress to amend that
6 law?

7 A I can't recall any.

8 MR. STEPANOVICH: (Handing document to
9 be marked.)

10 (Whereupon, Board of Trustees Meeting
11 Minutes, 2/12/07, Bates No. POM16289, was
12 marked Plaintiff's Exhibit 221 for
13 identification.)

14 Q Mr. Banks, you have been handed
15 Plaintiff's Exhibit 221, and I ask you if you can
16 identify that document, please?

17 A This appears to be a copy of Village
18 of Pomona Board of Trustees meeting minutes, the
19 meeting of February 12th, 2007.

20 Q Those were adopted when?

21 A Adopted on April 23rd, 2007.

22 Q If you turn to the second page, Mr.
23 Banks, the third paragraph. If you could read
24 that, and I'm going to ask you if that refreshes
25 your recollection as to the village's efforts to

- Ian Banks -

urge Congress to hold hearings on amendments on
RLUIPA.

A (Complying.) Okay. Well, I've read what it says.

Q Does that refresh your recollection as to the village's resolution on the RLUIPA Act?

A I still don't have a good recollection of what this means. Or I don't believe I ever got a copy of a request for an amendment if it was sent out. And additionally, it looks like I voted no.

Q Well, that was going to be my last question.

A So I don't know.

Q Well, for the record, you voted no on the resolution urging Congress to hold hearings on amendments of RLUIPA; is that accurate?

A That 's accurate.

Q Do you recall why you voted no?

A I do not recall exactly the details of
this issue.

MR. STEPANOVICH: (Handing document to
be marked.)

(Whereupon, Notes for meeting, April

1 - Ian Banks -

2 9th, Bates No. POM33666, was marked

3 Plaintiff's Exhibit 222 for identification.)

4 Q I'm handing you now, Mr. Banks, what's
5 marked as Plaintiff's Exhibit 222.

6 A (Perusing document.)

7 Q I'm going to ask you, No. 2 reads,
8 "There's a rumor going" -- First of all, have you
9 ever seen 222 before?

10 A I don't recall seeing this.

11 Q No. 2 reads, "There's a rumor going
12 around that the Anna Mann property was sold to
13 Orthodox for another yeshiva. Scott Shedler
14 checked the deed and it's still in Katz/Mann."

15 Did I read that accurately?

16 A I believe so.

17 Q Did you ever hear that, quote, rumor
18 as it's referenced in 222?

19 A I believe there was a rumor to this
20 effect.

21 Q And what do you know about that?

22 A Not much other than there was a rumor
23 like it says here in 2. I do not recall getting
24 this memo and it doesn't have a date on it. I
25 don't know when this would have been. But there

1 - Ian Banks -

2 were rumors, I had heard a rumor. I recall a
3 rumor circulating. Beyond that, nothing.

4 Q I was going to ask you approximately
5 when you would have heard that, but I think
6 you've already answered that you don't recall.

7 A I don't recall. We don't know when
8 this memo is from either, so I don't know.

9 Q What is the property, the Katz/Mann
10 property, where is it located in Pomona?

11 A I believe this is adjacent to village
12 hall. It's the old Burgess Meredith property,
13 which is in the Town of Ramapo on the other side
14 of Camp Hill Road from village hall. That's what
15 I believe.

16 Q That's all I have on that. Thank you.

17 MR. STEPANOVICH: (Handing document to
18 be marked.)

19 (Whereupon, Printout of article, "In a
20 Town Divided, a Wispy Boundary Between Land
21 Use and Religion," Bates Nos. RC1618-19, was
22 marked Plaintiff's Exhibit 223 for
23 identification.)

24 Q I'm handing you now, Mr. Banks, what's
25 marked as Plaintiff's Exhibit 223. Ask you if

1 - Ian Banks -

2 know generally whether or not New Square is a
3 town that's inhabited by Orthodox and Hasidic
4 Jews?

5 A I don't know for a fact. I've never
6 been there. I know what -- never having, you
7 know, been there, but according to the newspapers
8 it is.

9 Q Mr. Banks, do you recall voting for
10 Local Law No. 1 of 2001 that dealt with the issue
11 of schools in Pomona?

12 A You would have to refresh my memory
13 and give me a copy of Local Law 1.

14 MR. STEPANOVICH: You want to take a
15 break? Let's take a ten minute break and
16 then we're just real close, John and Doris.

17 (Recess held.)

18 Q Mr. Banks, do you recall a hearing on
19 January 22nd, 2007? It was a public hearing at
20 village hall and it dealt with the local law
21 amending dormitories and wetlands. Do you recall
22 that, January 22nd, 2007?

23 A I don't specifically remember the
24 meeting. I remember issues and laws coming up
25 about wetlands and dormitories and things like

1 - Ian Banks -

2 that and discussions about those things in
3 various meetings.

4 Q The meeting on January 22nd, 2007 I
5 represent to you was a, for lack of a better
6 term, a packed house. And see if that refreshes
7 your recollection at all about that meeting on
8 January 22nd, 2007.

9 A No, I don't specifically remember the
10 meeting.

11 MR. STEPANOVICH: (Handing document to
12 be marked.)

13 (Whereupon, Minutes of Public Hearing,
14 Pomona Board of Trustees, 1/22/07, Bates
15 Nos. RC1065-1173, was marked Plaintiff's
16 Exhibit 224 for identification.)

17 Q If you take a look at that. I don't
18 expect you to read it all. I'm just going to
19 reference a few different pages. But feel free
20 to take a look at it. Take as much time as you
21 want. And then I'm going to point you to the
22 pages that I want to discuss with you.

23 MR. PELOSO: You don't have to read
24 through it.

25 Q You don't have to read the whole

1 - Ian Banks -

2 thing.

3 A Could you tell me who produced this
4 document?

5 Q It's produced by Sandy Saunders
6 Reporting.

7 A Who was the court reporter?

8 Q Yes, sir.

9 A Okay. Okay, it's a public hearing.

10 Q Yes, sir.

11 A Go ahead.

12 Q I turn your attention to Page 1069,
13 Line 8. "From the floor: I'm an attorney. My
14 name is Paul Savad."

15 Do you know who Paul Savad is?

16 A Yes.

17 Q Who is he?

18 A He's an attorney and I believe he
19 works for the Tartikov group.

20 Q If you can read that page, 1069,
21 through Line 14 of the next page. And then I'm
22 just going to ask you a question or two.

23 A (Complying.) Okay.

24 Q Now, reading that, Mr. Banks, does
25 that refresh your recollection about the issue

1 - Ian Banks -

2 for discussion that night on January 22nd, 2007?

3 A All I remember, Mr. Savad being at a
4 meeting. May have been at other meetings. I
5 remember him speaking to the board and I was here
6 at this. Specifically I don't remember all of
7 the issues.

8 Q Why don't we turn to Page 1073?

9 A (Complying.)

10 Q Does the description that you just
11 read from Mr. Savad, does that refresh your
12 recollection at all regarding the intended use as
13 a rabbinical college of the property?

14 A No.

15 Q Do you have any recollection at all,
16 Mr. Banks, regarding Mr. Savad's representations
17 either on this night or other nights regarding
18 this issue, that Tartikov was seeking to have
19 students on the property with their families,
20 live on the property with their families; do you
21 have any recollection of that?

22 A I don't have any recollection that's
23 clear of a proposal for the use of this property,
24 including whatever Mr. Savad may have said. He
25 may have said it -- he may have described things,

1 - Ian Banks -

2 but I don't have a clear recollection of what he
3 was proposing. He may have discussed a lot of
4 things. I don't at this point have a clear
5 recollection of what that was.

6 Q I understand you used the word
7 proposal, and I don't want to quibble with you on
8 that word. But did you understand at any time
9 that the property was intended to be used as a
10 rabbinical college?

11 And I think I've asked you that, I
12 apologize. I'm not trying to have you answer
13 that ten times. But I'm just trying to get some
14 understanding of your knowledge of the use of the
15 property.

16 MR. PELOSO: Object to the form.

17 A Well, I'm agreeing with you. I'm
18 trying to get an understanding of the proposed
19 use of the property, but I don't have one. And a
20 lot of things are discussed. This is in a
21 meeting where a lot of people are talking, a lot
22 of people are discussing, a lot of things are
23 said. I mean for me I have a hard time
24 understanding this until we get sort of a
25 condensed proposal or something formal. Because

1 - Ian Banks -

2 a lot of things can be discussed. That doesn't
3 mean I know really what is finally being proposed
4 or what people want. It's a discussion. So
5 there was a discussion of all of these things, I
6 would agree with that.

7 Q And that discussion, I'm focusing on
8 this night, included discussions -- included
9 statements from the people in attendance at the
10 meeting besides Mr. Savad; is that right?

11 A Yes, that's right, there's other
12 people in here.

13 Q For instance, if you turn to the
14 bottom of 1073, Line 24. "Ed Leventhal. From
15 the floor: Good evening. I did not come here to
16 discuss ARLUPA (phonetic). I did not come to
17 discuss what is appropriate percentages or living
18 quarters for any persons. What I did come here
19 to discuss was that if I read the newspaper (sic)
20 correctly, the population of Pomona is 3200
21 residents. I don't think it's reasonable to say
22 that one institution can, by virtue of the
23 dormitory restriction or the dormitory
24 permission, be allowed to have 4500 people. This
25 would entirely change the character of the

1 - Ian Banks -

2 village. It would entirely change the politics
3 of the village. And I think there has to be a
4 solution through the zoning laws and through the
5 amendments to the zoning laws that prohibits such
6 a large number of people being within one
7 property, and one institution. Thank you very
8 much."

9 Do you recall hearing that statement
10 on January 22nd, 2007?

11 A I don't exactly recall at this point.
12 But if I was at the meeting, I heard him say
13 this.

14 Q Did you hear that sentiment, what I
15 just read, from any residents of the Village of
16 Pomona outside of this hearing on January 22nd,
17 2007?

18 A Well, as I said previously, there were
19 rumors and speculation that a big project was
20 being proposed there, and that people were
21 worried about it. They asked me about it. I
22 can't, you know, I couldn't confirm the size of
23 it or anything else. But people were just
24 worried about the size of the project that might
25 be coming in. I had heard comments like that

1 - Ian Banks -

2 from residents and neighbors.

3 Q If you go to Page 1093?

4 A What is it.

5 Q 1093?

6 A Okay.

7 Q Beginning Line 5 reads -- Well,
8 actually Line 3. It reads, "Mayor Marshall:
9 Excuse me. I'm doing this for you. If you
10 cannot comport yourselves" --

11 And then, "From the floor: Just say
12 the old law, and new law proposed, so we know the
13 difference. I didn't know it used to be 25. It
14 got right past me. So if you could just say, you
15 know, it used to be 25 and now it's going to be
16 35. We would like it to go to 15 really. Get it
17 in our favor. Let's change the law in our favor
18 as opposed to accommodating, going up to 25 or
19 35. I think we can go 25 to 15 and everybody
20 here will be real happy."

21 Did I read that accurately?

22 A I think so.

23 Q Do you recall hearing that statement
24 at the meeting?

25 A I don't recall hearing that.

1 - Ian Banks -

2 Q But it's here in the record, here in
3 this transcript. You don't have any reason to
4 dispute that that statement was made, do you?

5 A No, I don't.

6 Q The sentiment that's expressed there,
7 "Get it in our favor. Let's change the law in
8 our favor as opposed to accommodating, going 25
9 to 35. I think we can go 25 to 15 and everybody
10 here will be real happy."

11 Do you have any idea of what the
12 reference is there to 25, 35?

13 A I believe they are speaking about the
14 height of buildings. I'd have to read the
15 previous page to find out.

16 Q Please do.

17 A (Reading document.)

18 So there's a discussion about the
19 height of buildings and I believe our law now is
20 35 feet for a house. I'm not sure what the 25
21 and 15 are, what that's about without looking
22 into it.

23 Q Turn your attention now to RC1111,
24 Line 2. "From the floor. (Unidentified) You
25 know, let me ask you one thing, it's really funny

1 - Ian Banks -

2 how we're talking about law, when you have a
3 group that breaks every law there is, and we are
4 talking about law."

5	Did I read that accurately?
---	-----------------------------

6	A	Yes.
---	---	------

7 Q You have any idea who the reference is
8 to a group that breaks every law?

9	A	No.
---	---	-----

10 Q During your eighteen years on the
11 board of trustees, Mr. Banks, were there ever any
12 public meetings where you had a packed house?

13	A	Yes.
----	---	------

14 Q Can you just tell me what those would
15 have been?

16 A What comes to mind immediately is when
17 we changed the fire inspector one time we had a
18 packed house full of firemen who were unhappy.

19	Q	When was that?
----	---	----------------

20 A It was during the Sanderson
21 administration, so it would have been four or
22 five years ago. There are other instances. I
23 can't think of all of them off the top of my
24 head. That's maybe the most recent.

25 It's been rare in the last few years

1 - Ian Banks -

2 that we've had a lot of controversy. And now
3 recently there hasn't been too much. That was
4 the most recent thing that I can recall. But
5 there are occasionally issues, sometimes things
6 like snowplowing, stuff like that. People are
7 unhappy.

8 We have what's called the Mountain in
9 Pomona and we have all these big houses. They
10 have some snowplowing issues there and they've
11 come down and packed the house and complained
12 about some things like that. There are issues,
13 but they are rare.

14 Q That's all I have on that.

15 MR. STEPANOVICH: (Handing document to
16 be marked.)

17 (Whereupon, Packet of documents, Bates
18 No. POM0015636, was marked Plaintiff's
19 Exhibit 225 for identification.)

20 Q I'm handing you now, Mr. Banks, what's
21 been marked as Plaintiff's Exhibit 225, and ask
22 if you have ever seen this before, this entire
23 document?

24 A (Perusing document.)

25 Q Have you ever seen that before?

1 - Ian Banks -

2 A Is this a single document? It's a
3 collection of things, but it came as one
4 document?

5 Q That's how we received it, Mr. Banks.
6 That's why we kept it all together. When I say
7 received it, we received it from the Village of
8 Pomona in that way.

9 Did you create this document?

10 A No. I don't think I've even seen this
11 as a complete document. I believe I may have
12 seen parts of this, but I've never seen it all
13 put together as one document. To the best of my
14 knowledge I have not seen it like this. I think
15 at one point there's a judgment against -- I
16 don't even know if this is it. This is a
17 partial. I've never seen this document as one
18 document.

19 Q The writing, the handwriting on this
20 document, is this your handwriting?

21 MR. PELOSO: Which page?

22 MR. STEPANOVICH: That's a good
23 question.

24 Q Let's just say Page 15637, top
25 right-hand corner.

1 - Ian Banks -

2 MR. PELOSO: Page 2.

3 Q Page 2.

4 A That's not my handwriting, no.

5 Q What about Page 3, the writing in the
6 margins, is that your handwriting?

7 A None of that is mine.

8 Q I don't have anything else on that,
9 Mr. Banks.

10 I stand corrected by my very competent
11 co-counsel. Three pages from the end, Mr. Banks.

12 MR. PELOSO: 15649.

13 A It was fax transmittal to Ian Banks.

14 MR. PELOSO: There's no question yet.

15 Q Yes, it says fax transmittal to Ian
16 Banks from John Kavanagh. Four pages -- Looks
17 like three pages. Who is John Kavanagh?

18 A John Kavanagh is a former resident of
19 the Village of Pomona who was involved with my
20 Independent Party when we originally organized it
21 some eighteen years ago. Who was involved a
22 little bit in politics and had an interest in
23 things in the village. However, he never ran for
24 office with us to the best of my knowledge and
25 was supportive of getting my party going. He now

1 - Ian Banks -

2 no longer lives in the village. And he was
3 interested in selected issues and would
4 occasionally contact me by email, or apparently
5 this was faxed to me, with items that he was
6 interested in and thought I should know about.

7 Q Do you recall receiving this fax?

8 A No.

9 Q I have nothing further on that, Mr.
10 Banks.

11 MR. STEPANOVICH: (Handing document to
12 be marked.)

13 (Whereupon, Board of Trustees Meeting
14 Minutes, 5/29/96, Bates Nos. POM0002978-80,
15 was marked Plaintiff's Exhibit 226 for
16 identification.)

17 Q You have been handed, Mr. Banks,
18 Plaintiff's Exhibit 226.

19 You were not on the board of trustees
20 on May 29th, 1996, were you, if you can recall?

21 A I can't recall the exact date. But
22 according to the list of trustees here, if Arnold
23 Friedman is a still a trustee, then I wouldn't
24 have been a trustee. So I would have come in
25 after. Because I replaced Arnold on the board.

1 - Ian Banks -

2 So I would agree that I wasn't a trustee on this
3 date.

4 Q The second page, it says, "Ian Banks,
5 89 Old Route 202, said he is in favor of a
6 building moratorium, asked that religious
7 institutions be included, treated like anyone
8 else."

9 You recall making that statement back
10 in 1996?

11 A Yeah, I remember asking -- there was
12 some discussion about a building moratorium, so I
13 was supportive of that proposal. I don't know if
14 it was ever -- we were looking into the general
15 thing -- the general item they were talking about
16 was the master plan. So that was in relationship
17 to the master plan.

18 Q I see. If I'm not mistaken, the
19 master plan update was issued in 1997. Does that
20 sound accurate?

21 A I'm not sure of the exact date, but
22 that's more or less accurate.

23 Q Why were you in favor of a building
24 moratorium?

25 A Because my recollection is that I

1 - Ian Banks -

2 thought a building moratorium would be good until
3 the master plan was updated and everybody was on
4 the same page about what kinds of things we
5 wanted to build in the village. So that was
6 related to master plan.

7 Q Do you recall participating in
8 discussions regarding the amendment to the master
9 plan with village officials other than this
10 comment?

11 A No, I was not involved in meetings
12 with the village officials, other than when I
13 attended a public meeting.

14 Q I just want to make sure I understand
15 your testimony. It's fair to say the moratorium
16 that you speak about here was intended to be a
17 moratorium until the new master plan came out and
18 you saw the results of that; is that accurate,
19 sir?

20 A Correct. To give the village a chance
21 to redo their master plan so that the approved
22 buildings would then fit into the master plan.

23 Q You make a specific reference there,
24 that you asked that religious institutions be
25 included, treated like anyone else.

1 - Ian Banks -

2 What did you mean by that?

3 A It's sort of a self-explanatory
4 statement.

5 Q Sure. In other words, the building
6 moratorium that you were suggesting would include
7 religious institutions; is that --

8 A Everybody would be treated the same.

9 Q I have nothing further.

10 MR. STEPANOVICH: (Handing document to
11 be marked.)

12 (Whereupon, Emails, Bates No.
13 POM16944, was marked Plaintiff's Exhibit 227
14 for identification.)

15 Q There you go, Mr. Banks. I've handed
16 you now what's marked as Plaintiff's Exhibit 227.
17 Take a look at that.

18 A (Complying.) Okay.

19 Q Do you remember receiving this email?

20 A I don't remember receiving it.

21 Q There's an email that appears to be
22 from Nick Sanderson talking about planning on
23 activities to raise money for what appears to be
24 the litigation that we're involved in right now.

25 A Uh-huh.

1 - Ian Banks -

2 Q Are you familiar with any private
3 funding efforts for this litigation?

4 A I'm not aware of any.

5 MR. STEPANOVICH: (Handing document to
6 be marked.)

7 (Whereupon, Emails, Bates No.
8 POM21217, was marked Plaintiff's Exhibit 228
9 for identification.)

10 Q You've been handed now, Mr. Banks,
11 Exhibit 228.

12 A (Perusing document.) Okay.

13 Q Who is Carol Novick?

14 A Carol Novick is a resident of the
15 Village of Pomona. She is someone I've known for
16 a long time. She's a real estate agent.

17 Q That email at the top is one of the
18 emails that you testified was your email account;
19 is that right?

20 A That's correct.

21 Q Dated March 6, 2007. You write,
22 "Carol, thanks for your concern, but it's true,
23 I'm not up for election for two years. The as
24 faces a difficult time ahead with changes
25 happening on 306, but we will have to persevere

1 - Ian Banks -

2 as best we can. Best, Ian."

3 Did I read that accurately?

4 A You read it accurately, but there's
5 something missing here. I don't know, it's
6 either a typo or there's a part of the email
7 missing. Because of the A-S. I don't know what
8 that is. I don't know why it's like this.

9 Q Actually, the subject of the email is
10 entitled, Mistake, right?

11 A So there's some --

12 MR. PELOSO: He's just asking you
13 whether --

14 A It's, yeah, mistake.

15 Q Does something seem amiss to you about
16 this email?

17 A Yes.

18 Q What is that?

19 A Well, it's not in English, it doesn't
20 make any sense. So the word -- there's a
21 typographical error or some kind of problem with
22 the email, a part of it is missing. So it
23 doesn't -- it's not a complete sentence, so it's
24 hard to say what it means.

25 Q Putting aside the beginning of the

1 - Ian Banks -

2 sentence that we're referring to, there's a
3 reference, it begins with "faces." "Faces a
4 difficult time ahead with changes happening on
5 306, but we will have to persevere as best we
6 can."

7 What is that reference to?

8 A Changes on 306 probably refer to
9 downzoning, that's mostly what's happening. The
10 neighbors were concerned about the downzoning,
11 which is not only happening on 306, but that was
12 where most of it's going on.

13 Q That's all I have.

14 MR. STEPANOVICH: (Handing document to
15 be marked.)

16 (Whereupon, Newspaper article, Bates
17 Nos. POM0013252-53, was marked Plaintiff's
18 Exhibit 229 for identification.)

19 Q I believe this is the final exhibit,
20 Mr. Banks. You've been handed No. 229. And I'm
21 going to point you to what is a newspaper article
22 there on the right-hand side of this first page
23 and it continues onto the next page. I'm going
24 to ask you a few questions.

25 A Okay. (Perusing document.) All right.

1 - Ian Banks -

2 Q On the second page, first column.
3 First of all, Alison Miller is your wife,
4 correct?

5 A Correct.

6 Q There's a statement that's attributed
7 to her in this article. "There are a lot of
8 people, including me, who ask, 'Why don't federal
9 laws protect us?'" Miller said of land use
10 legislation that had given preference to
11 religious development in other Ramapo
12 neighborhoods. "'Why doesn't federal law protect
13 our way of life?' asked Miller, who is married to
14 Pomona Trustee Ian Banks."

15 Did I read that accurately?"

16 A Uh-huh, yes.

17 Q Have you ever seen this quote before
18 by your wife?

19 A Not that I can recall.

20 Q Do you have any idea who your wife is
21 referencing when she says, "Why don't federal
22 laws protect us"; do you know who she means by
23 protecting us?

24 A I don't know. I would assume -- no, I
25 don't know. I could only speculate.

1 - Ian Banks -

2 Q Would she mean the current residents
3 of Pomona?

4 MR. PELOSO: Object to the form.

5 A I don't know.

6 Q The next paragraph, "Why doesn't
7 federal law protect our way of life?"

8 Do you know what she meant by our way
9 of life?

10 A Not specifically.

11 Q Well, you have a general understanding
12 of what she meant by our way of life?

13 A Well, I could speculate. You're
14 asking me to speculate, but I don't think I'm
15 required to do that.

16 Q Do you recall having any discussions
17 with -- Absolutely, you're absolutely correct,
18 Mr. Banks. Not only are you not required, I'm
19 not asking you to do that.

20 So having said all that, do you recall
21 having any discussions with your wife regarding
22 this federal law that she refers to and
23 protecting, quote, our way of life?

24 A No, I don't recall discussing the
25 federal law with her. I don't know.

1 - Ian Banks -

2 Q In the middle column, fourth paragraph
3 from the bottom. "I personally feel it's just a
4 matter of time before the Village of Pomona will
5 be overtaken politically," Miller said at her
6 kitchen table. "I think that's inevitable."

7 Did I read that accurately?

8 A I can't find that. Where are you?

9 Q Middle column. See the middle column?

10 MR. PELOSO: (Indicating.)

11 A Okay, I see it. Okay.

12 Q Four paragraphs from the bottom. I'll
13 repeat. "I personally feel it's just a matter of
14 time before the Village of Pomona will be
15 overtaken politically," Miller said at her
16 kitchen table. "I think that's inevitable."

17 Did I read that accurately?

18 A Yes.

19 Q First of all, were you present when
20 your wife was interviewed for this article?

21 A No.

22 Q Do you recall being interviewed for
23 this article in the Rockland County Journal News?

24 A No, I don't believe I was interviewed
25 for this article.

1 - Ian Banks -

2 Q Do you have any understanding what
3 your wife meant by "I personally feel it's just a
4 matter of time before the Village of Pomona will
5 be overtaken politically"? Do you know what she
6 meant by that?

7 MR. PELOSO: Object to the form.

8 A No, other than what it says, I don't
9 know exactly what she meant.

10 Q Did you ever have any discussion with
11 your wife about it just being a matter of time
12 before the Village of Pomona was overtaken
13 politically?

14 A That's her opinion.

15 Q Was that your opinion?

16 MR. PELOSO: Object to the form.

17 Q You can answer if you understand.

18 A It's not my opinion.

19 Q Besides your wife, have you ever heard
20 anyone else express this opinion, that it was
21 just a matter of time before the Village of
22 Pomona will be overtaken politically?

23 MR. PELOSO: Object to the form.

24 Q You can answer if you understand.

25 A No, but I haven't heard other people

1 - Ian Banks -

2 express that opinion.

3 Q You have not you're saying?

4 A I have not.

5 Q You had never heard that sentiment
6 from any residents in the Village of Pomona?

7 MR. PELOSO: Object to the form.

8 A No, I haven't.

9 Q Have you ever heard any residents in
10 the Village of Pomona indicate the sentiment that
11 the village will be, quote, overtaken; did you
12 ever hear that sentiment?

13 A Not specifically.

14 Q I don't have anything else. That's
15 it.

16 MR. PELOSO: I have no questions.

17 (Time Noted: 2:50 p.m.)

18 * * *

19

20

21

22

23 Subscribed and sworn to
24 before me this day
25 of , 2014

E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.
Ex 211	Notice of Deposition	5 23
Ex 212	Defendant Banks' Supplemental Responses To Plaintiffs' Second Set of Interrogatories	7 2
Ex 213	Document entitled, "Document Hold And Preservation Notice - Privileged And Confidential" Bates No. POM33617	18 4
Ex 214	Board of Trustees Corrected Meeting Minutes, 4/28/97 Bates Nos. POM0003064-75	29 24
Ex 215	Transmittal dated 2/4/2000, Re Proposed Primary School and Pre-School and Village's Zoning Regulations Regarding Schools Bates Nos. POM0014737-40	49 22
Ex 216	Board of Trustees Meeting and Grievance Day Minutes, 2/15/05 Bates Nos. POM0011723	63 21

E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.
Ex 217	Email dated 1/9/07, with attachments Bates Nos. POM0013255-59	65 15
Ex 218	Letter dated 1/12/95 Bates Nos. POM0009863-64	71 20
Ex 219	Email dated 7/11/07 Bates No. POM16958	74 4
Ex 220	Newsletter "The Village Green" 7/2004 Bates Nos. POM0013281-84	79 20
Ex 221	Board of Trustees Meeting Minutes, 2/12/07 Bates No. POM16289	89 10
Ex 222	Notes for meeting, April 9th Bates No. POM33666	90 25
Ex 223	Printout of article, "In a Town Divided, a Wispy Boundary Between Land Use and Religion" Bates Nos. RC1618-19	92 19
Ex 224	Minutes of Public Hearing, Pomona Board of Trustees, 1/22/07 Bates Nos. RC1065-1173	95 13

E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.
Ex 225	Packet of documents Bates No. POM0015636	104 17
Ex 226	Board of Trustees Meeting Minutes, 5/29/96 Bates Nos. POM0002978-80	107 13
Ex 227	Emails Bates No. POM16944	110 12
Ex 228	Emails Bates No. POM21217	111 7
Ex 229	Newspaper article Bates Nos. POM0013252-53	113 16

1
2 STATE OF NEW YORK)
3) ss.
4 COUNTY OF ROCKLAND)
5

6 I, Gale Salit, a shorthand reporter and
7 Notary Public within and for the State of New
8 York, do hereby certify:

9 That IAN BANKS, the witness whose
10 examination is hereinbefore set forth, was

11 duly sworn by me and that the transcript

12 of said examination is a true record of the
13 testimony given by the witness.

14 I further certify that I am not related
15 to any of the parties to this action by blood
16 or marriage and that I am in no way interested
17 in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this 6th day of June, 2014.
20

21 
22 _____

23 Gale Salit
24 Shorthand Reporter
25

1 Errata Sheet

2

3 NAME OF CASE: CONGREGATION RABBINICAL COLLEGE OF TARTIKOV -against- VILLAGE OF POMONA, NY

4 DATE OF DEPOSITION: 05/15/2014

5 NAME OF WITNESS: IAN BANKS

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

20 Page ____ Line ____ Reason ____

21 From _____ to _____

22 Page ____ Line ____ Reason ____

23 From _____ to _____

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